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11 SALVADOR ORTIZ-PADILLA

12
13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE EASTERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,

16 Case No. 1:21-cr-00239-JLT-SKO

17 Plaintiff,

18 STIPULATION TO MODIFY CONDITION OF
19 PRETRIAL RELEASE and ORDER

20 vs.

21 SALVADOR ORTIZ-PADILLA,

22 Defendant.

23 IT IS HEREBY STIPULATED, by and between the parties, through their respective
24 counsel, Assistant United States Attorney Justin Gilio, counsel for plaintiff, and Assistant
25 Federal Defender Reed Grantham, counsel for defendant Salvador Ortiz-Padilla, that Condition
26 (l) of Mr. Ortiz-Padilla's pretrial release, initially imposed on September 28, 2021 (*see* Dkt.
#11), and later modified on April 5, 2022 (*see* Dkt. #22), be further modified to permit Mr. Ortiz-
Padilla to stay overnight at the Saint Agnes Medical Center, located at 1303 E. Herndon Ave.,
Fresno, California 93720, for an appropriate period of time recommended by his physician
following his knee replacement surgery which is scheduled for Thursday, July 21, 2022, and that
Mr. Ortiz-Padilla provide daily confirmation of his location at the hospital to his assigned
Pretrial Services officer for the period of time that he will be staying at the hospital.

27 Mr. Ortiz-Padilla was released on conditions on September 28, 2021. *See* Dkt. #11. At
28 that time, Mr. Ortiz-Padilla has been subject to location monitoring (home incarceration). *See*

1 Dkt. #11 at 2. Thereafter, on April 5, 2022, the Court, pursuant to a stipulation from the parties,
2 modified Mr. Ortiz-Padilla's condition of release that subjected him to location monitoring
3 (home incarceration) and replaced that condition with a condition that imposed location
4 monitoring (home detention). *See* Dkt. #22.

5 Mr. Ortiz-Padilla has suffered for months with a pre-existing injury to his right knee. In
6 March 2022, he fell and landed on his already injured knee and suffered significant additional
7 damage to his knee. Recently, he was advised that surgery was recommended, and surgery was
8 set for Thursday, July 21, 2022. The documents confirming this surgery have been provided to
9 government counsel and the assigned Pretrial Services officer. Mr. Ortiz-Padilla was advised by
10 his physician that he may need to recover from the surgery at the hospital for a period of
11 anywhere between 1 and 5 nights. Because Mr. Ortiz-Padilla is subject to location monitoring
12 (home detention), his assigned Pretrial Officer cannot approve overnight stays, even for medical
13 treatment or surgeries.

14 Accordingly, the parties hereby submit this stipulation to modify Condition (l) of his
15 terms and conditions of release to state the following:

16 HOME DETENTION: You must remain inside your residence at
17 all times except for employment; education; religious services;
18 medical, substance abuse, or mental health treatment; attorney
19 visits; court appearances; court ordered obligations; or other
20 essential activities pre-approved by the pretrial services officer.
21 Essential activities include haircuts, DMV appointments, banking
22 needs, or other activities that cannot be completed by another
23 person on your behalf. In addition, you can attend medical
24 appointments with your girlfriend regarding your unborn child.

25 Notwithstanding the above, Mr. Ortiz-Padilla is permitted to stay
26 overnight at the Saint Agnes Medical Center, located at 1303 E.
27 Herndon Ave., Fresno, California 93720, for a period of time, as
28 recommended by his physician, following his knee replacement
surgery which is scheduled for Thursday, July 21, 2022. For the
period of time that Mr. Ortiz-Padilla will be staying overnight at
the hospital, he must provide daily confirmation of his stay at the
hospital by verifying his location when asked by his assigned
Pretrial Services officer. During this period of time, Mr. Ortiz-
Padilla will not be electronically monitored. As soon as Mr. Ortiz-
Padilla becomes aware of the date and time of his discharge from
the hospital, Mr. Ortiz-Padilla is instructed to contact his Pretrial

1 Services officer and to follow the officer's instructions with
2 respect to re-connecting the electronic monitoring device.

3 The parties, including Mr. Ortiz-Padilla's Pretrial Services officer, Anthony Perez, have
4 reviewed the modification above and stipulate and agree to the modification. All other terms and
5 conditions of Mr. Ortiz-Padilla's pretrial release, previously imposed, shall remain in full force
6 and effect. *See* Dkt. #11 at 2; Dkt. #22.

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8 Respectfully submitted,

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10 PHILLIP A. TALBERT
United States Attorney

11

12 Dated: July 19, 2022

13 /s/ Justin Gilio
JUSTIN GILIO
Assistant United States Attorney
Attorney for Plaintiff

14

15 Date: July 19, 2022

16 HEATHER E. WILLIAMS
Federal Defender

17 /s/ Reed Grantham
REED GRANTHAM
Assistant Federal Defender
Attorney for Defendant
SALVADOR ORTIZ-PADILLA

ORDER

IT IS SO ORDERED. Condition (I) of Mr. Ortiz-Padilla's pretrial release, previously imposed on September 28, 2021, and later modified on April 5, 2022, is hereby further modified as set forth above. All other conditions previously imposed remain in full force and effect.

IT IS SO ORDERED.

Dated: **July 19, 2022**

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE